

NOW COMES, United States of America *ex rel*, Lawrence M. Smith, in response to the Motion to Dismiss filed in this cause by Defendant, Fredrick R. Mays, Defendant, Damien Lamarc Wallace, and Defendant Chazma Jones, and would respectfully show unto the Court as follows:

1. The Introduction section of the Motion to Dismiss filed in this cause by Defendant, Fredrick R. Mays, Defendant, Damien Lamarc Wallace, and Defendant Chazma Jones, contains false statements of fact:

2. Defendants' Motion to Dismiss alleges the Proof of Service filed in this cause relative to Defendant, Fredrick R. Mays, indicates that Service of Summons was attempted on February 24, 2014. In fact, the Proof of Service filed in this cause relative Service Summons to Defendant, Fredrick R. Mays, reflects that such Service of Summons was achieved by posting on the door of said defendant's residence at 422 South Irving Heights, Irving, Texas 75060, on February 26, 2014.

3. Defendant, Damien Lamarc Wallace, and Defendant, Chazma Jones, both have filed sworn affidavits asserting that they do not reside at 12532 Avondale Ridge, Fort Worth, Texas 76179, and that neither of them had ever resided there. The Affidavit In Support of Plaintiff/Relator" Motion For Substitute Service on Defendant, Damien Lamarc Wallace, (Document 23) clearly establishes that the Guard at the security gate of the residence confirmed that both Defendant, Damien Lamarc Wallace, and Defendant, Chazma Jones, did presently reside at 12532 Avondale Ridge, Fort Worth, Texas 76179. Further, the Affidavit of Lawrence M. Smith, attached hereto as Exhibit "A," and incorporated herein by reference for all purposes, establishes that Defendant, Damien Lamarc Wallace, at all times relevant to this cause, did reside at 12532 Avondale Ridge, Fort Worth, Texas 76179. In fact, Defendant, Damien Lamarc Wallace and

Defendant, Chazma Jones, are now married, as evidenced by the true copy of their Marriage License documenting their marriage by Defendant, Fredrick R. Mays (F. R Mays) on October 19, 2011. Further, the Affidavit of David L. Mukasa, attached hereto as Exhibit "B," and incorporated herein by reference for all purposes, establishes that both Defendant, Damien Lamarc Wallace, and resided at 12532 Avondale, Fort Worth, Texas 76179 when he performed carpet cleaning services for them in September 2009. Still further, as documented by a Periodic Report filed with the Texas Secretary of State on September 5, 2013, a true copy of which attached as Exhibit "C," and incorporated herein by reference, 12532 Azondale Ridge, Fort Worth, Texas 76179 is listed as the address of Defendant, Damien Lamarc Wallace. The Court's Order (Document 25), signed on February 21, 2014, allowed Substituted Service, contrary to Counsel for Defendants', Damien Lamarc Wallace, Chazma Jones, and Fredrick R. Mays, allegation that no order had been made. Plaintiff/Relator also forwarded copies of the Summons with the Amended Complaint and the Court's order for substituted service attached to Defendant, Fredrick R. Mays 422 South Irving Heights, Irving, Texas 75060; Defendant, Damien Lamarc Wallace, and Defendant, Chazma Jones, at 12532 Avondale, Fort Worth, Texas 76179 by First Class Mail and by Certified Mail Return Receipt Requested. The Certified Mail sent to Defendant, Fredrick Mays, was delivered to 422 South Irving Heights, Irving, Texas 75060, and signed for by Tammy Mays on January 23, 2014. The First Class Mail to Defendant, Fredrick Mays, was not returned. The First Class Mail forwarded to Defendants, Damien Lamarc Wallace and Chazma Jones was rejected by Defendants, Damien Lamarc Wallace, and Defendant, Chazma Jones marked "Return to Sender Wrong Address" and with address changes marked on the envelope; however, the corrected address does not exist. The Certified Mail forwarded to Defendants, Damien Lamarc Wallace, and Chazma were returned to

Plaintiff/Relator marked “Unclaimed.” It is clear that Defendant, Damien Lamarc Wallace, Defendant, Chazma Jones, and Defendant, Fredrick R. Mays, each received the Substituted Service, as they have responded with their Motion to Dismiss and filed their Original Answer of Defendants, Damien Lamarc Wallace, Frederick R. Mays, and Chazma Jones (Document 32)

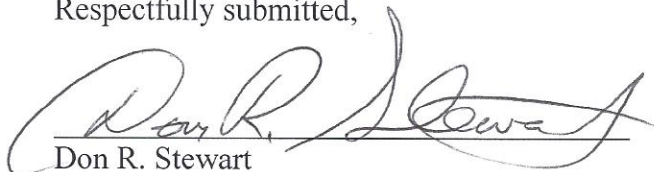
4. The affidavit of Defendant, Damien Lamarc Wallace, is defective and should be stricken because it is wrongfully notarized by Defendant, Chazma Jones, who is his wife, she has an interest in this cause, and she knows and knew that the affidavit contained untruthful statements of fact, all in violation of Section 87.43, *Texas Administrative Code*.

5. Further, counsel for Defendants, Damien Lamarc Wallace, Chazma Jones, and Fredrick R. Mays should be disqualified as counsel for defendants because she is a possible witness in this cause due to the fact that she has been involved with said defendants relative to Plaintiff/Relator’s allegations regarding the National School Lunch Program and the Summer Food Service Program. Ms. Kimberly Carlisle, was employed by Prime Prep Academy as Executive Director. Prime Prep; Academy was founded by and controlled by Defendant, Uplift Fort Worth, CDC, as a result of the wrongful acts and false statements of Defendants, Damien Lamarc Wallace, Chazma Jones, Deion L. Sanders, and Fredrick R. Mays.. In that capacity she would have been involved in all aspects of obtaining federal and state funds for both the National School Lunch Program and the Summer Food Service Program, as her mother is or was a vendor for such food programs.

WHEREFORE PREMISES CONSIDERED, Plaintiff/Relator prays that the Motion to Dismiss filed by Defendants, Damien Lamarc Wallace, Chazma Jones, and Fredrick R. Mays, be in all things dismissed. Plaintiff/Relator prays that the affidavit of Defendant, Damien Lamarc Wallace, be stricken. Plaintiff/Relator further prays that Ms. Kimberly Carlisle, be disqualified

to serve as counsel for any defendant in this cause. Plaintiff/Relator prays for all relief to which he shows the United States of America or himself to be justly entitled at law or in equity.

Respectfully submitted,



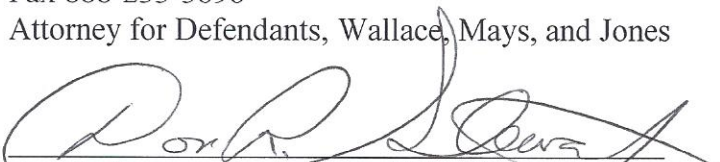
Don R. Stewart
Texas Bar No. 19206700
200 East Main Street
Arlington, Texas 76010
Tel. (817) 548 9200
Fax. (817) 548 9210
Attorney for Plaintiff/Relator
Lawrence Smith

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Relator's Response to Defendants', Damien Lamarc Wallace, Chazma Jones, and Fredrick R. Mays, Motion to Dismiss was mailed via First Class Mail on this 2nd day of April, 2014 to:

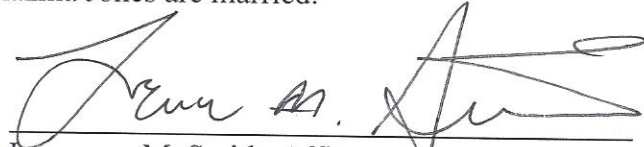
Clay R. Mahaffey, Assistant United States Attorney
UNITED STATES ATTORNEY'S OFFICE
Northern District of Texas, Burnett Plaza, 17th
Floor
801 Cherry St., Unit 4
Fort Worth, TX 761902-6882

Kimberly M. Carlisle
808 Stewart Ave., Ste. 200
State Bar No. 24062358
Plano, Texas 75074
Tel, 972-855-8140
Fax 888-233-3696
Attorney for Defendants, Wallace, Mays, and Jones

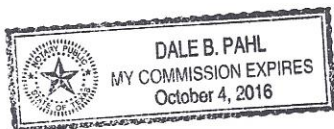


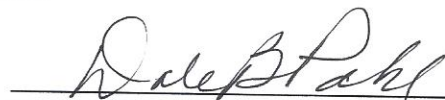
Don R. Stewart, Attorney for Plaintiff ex rel

correct. I am the Plaintiff/Relator in the above numbered and styled cause. During the period between June 2008 until January 2010, I was associated with Damien Lamarc Wallace and Chazma Jones in various investment related endeavors. In October 2009, I told Damien Lamarc Wallace that I had heard, from David Mukasa that he lived in a really nice house. Damien Lamarc Wallace confirmed that he did live in a very nice house. I told him that I would like to see it sometime. Damien Lamarc Wallace invited me to drive by the house or visit him, and personally gave me his address as 12532 Avondale Ridge, Fort Worth, Texas 76179 so that I could go look at his home. In October 2009, I went to the property located at 12532 Avondale Ridge, Fort Worth, Texas 76170, with David Mukasa, who had previously told me about cleaning carpet for Damien Lamarc Wallace and Chazma Jones and the beauty of their home. At Damien Lamarc Wallace's invitation in November 2009 I again went to the property prior to attending his daughter's basketball game at Justin Northwest High School nearby with Damien Lamarc Wallace. Therefore, I have personal knowledge that Damien Lamarc Wallace a/k/a D. L. Wallace resides at 12532 Avondale Ridge, Fort Worth, Texas 76179. I also have personal knowledge that Damien Lamarc Wallace and Chazma Jones are married."


Lawrence M. Smith, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on 8 April 2014,
to certify which witness my hand and seal of office.



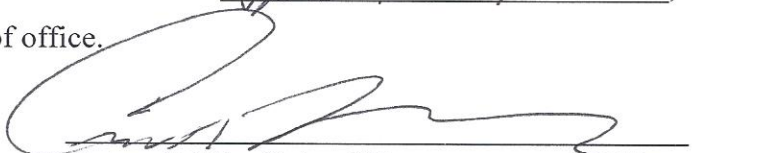

Notary Public, State of Texas

On or about September, 2009, I was contacted by Damian LaMarc Wallace with a request that I perform services in the nature of carpet cleaning at his residence located at 12532 Avondale Ridge, Fort Worth, Texas 76179. I went to the residence located at 12532 Avondale Ridge, Fort Worth, Texas 76179, and was greeted by both Damian LaMarc Wallace and Chazma Jones, performed carpet cleaning services, and was paid \$200.00 cash by Chazma Jones for the services I performed. In October, 2009, I became acquainted with Lawrence Smith at Charity Church, located at 4400 Panola Avenue, Fort Worth, Texas 76103. Damian LaMarc Wallace had requested that I meet Lawrence Smith at Charity Church to inspect carpeting at Charity Church. Later In October, 2009, Lawrence Smith requested that I show him where Damian LaMarc Wallace lived. I rode with Lawrence Smith to the address 12532 Avondale Ridge, Fort Worth 76179, which I knew to be the residence of Damian LaMarc Wallace."

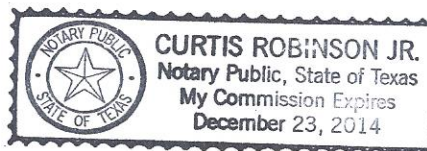


David L. Mukasa, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on April 1, 2014,
to certify which witness my hand and seal of office.



Notary Public, State of Texas



Form 802
(Revised 08/12)

Submit in duplicate to:
 Secretary of State
 Reports Unit
 P.O. Box 12028
 Austin, TX 78711-2028
 Phone: (512) 475-2705
 FAX: (512) 463-1423
 Dial: 7-1-1 for Relay Services
 Filing Fee: See Instructions



Periodic Report
of a
Nonprofit Corporation

This space reserved for filing office use.

FILED
In the Office of the
Secretary of State of Texas
SEP 05 2013
Corporations Section

File Number: 118628701

1. The name of the corporation is: (A name change requires an amendment; see Instructions)

Charity Church2. It is incorporated under the laws of: (Set forth state or foreign country) Texas

3. The name of the registered agent is:

☐ A. The registered agent is a corporation (cannot be entity named above) by the name of:Fredrick R. Mays

OR

☐ B. The registered agent is an individual resident of the state whose name is:

RECEIVED
 SECRETARY OF STATE
 SEP 05 2013
 CLK 55
 AUSTIN, TEXAS

First Name MI Last Name Suffix

4. The registered office address, which is identical to the business address of the registered agent in Texas, is:
(Only use street or building address; see Instructions)

4400 Panola Ave. Fort Worth TX 76103
 Street Address City State Zip Code

5. If the corporation is a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated is:

N/A

Street or Mailing Address City State Zip Code Country

6. The names and addresses of all directors of the corporation are: (A minimum of three directors is required.)

(If additional space is needed, include the information as an attachment to this form for item 6.)

Bonkeshia E Richardson
 First Name MI Last Name Suffix
3828 Falcon Dr. Fort Worth TX 76119 US
 Street or Mailing Address City State Zip Code Country

Alton R Berry
 First Name MI Last Name Suffix
7704 Albany Ln. Arlington TX 76002 US
 Street or Mailing Address City State Zip Code Country

Damien Wallace
 First Name MI Last Name Suffix
12532 Azondale Ridge Fort Worth TX 76179 US
 Street or Mailing Address City State Zip Code Country

Form 802 - Page 4 of 5

EXHIBIT

tabbles

C

7. The names, addresses, and titles of all officers of the corporation are: (The offices of president and secretary must be filled, but both may not be held by the same officer.)

(If additional space is needed, include the information as an attachment to this form for item 7.)

Fredrick B Mays				Officer Title	
				President	
First Name	MI	Last Name	Suffix		
422 S. Irving Heights Irving Texas 75060 US					
Street or Mailing Address City State Zip Code Country					

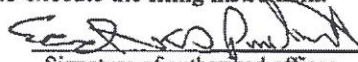
Edward J Parnell				Officer Title	
				Secretary	
First Name	MI	Last Name	Suffix		
7212 Jurassic Dr. Arlington TX 76002					
Street or Mailing Address City State Zip Code Country					

Mitchale G Elder				Officer Title	
				Exec. Chairman	
First Name	MI	Last Name	Suffix		
5709 Oakmont Ln Fort Worth TX 76102					
Street or Mailing Address City State Zip Code Country					

Execution:

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: 9/4/13


Signature of authorized officer





Charity Church
Board of Directors Resolution

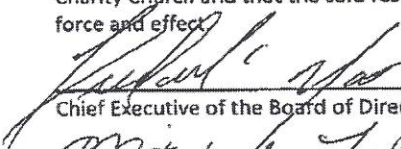
Motion to Modify Board Of Directors

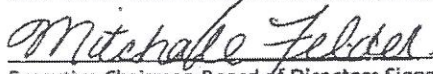
This is a Certified Copy of Resolution that was passed at a Meeting of the Board of Directors of Charity Church, at which a quorum was present on 08/28/2013.

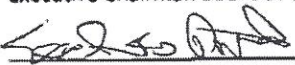
BE IT RESOLVED that, the motion to Modify the Board of Directors at Charity Church, on date of 08/28/2013, as presented be as follows:

Edward Parnell	Secretary	7212 Jurassic Dr. Arlington 76002
Ronkesha Richardson	First Chair Board Member	3828 Falcon Dr. Fort Worth TX. 76119
Alton Berry	Second Chair Board Member	7704 Albany Ln. Arlington TX. 76002
Damien Wallace	Third Chair Board Member	12532 Azondale Ridge Fort Worth TX 76179
Mitchale Felder	Executive Chairman	5709 Oakmont Ln. Fort Worth TX 76102
Fredrick Mays	Chief Executive Chairman	422 S. Irving Heights Irving TX 75060

RESOLVED FURTHER, It is hereby certified by the undersigned that the foregoing resolution was duly passed by the Board of Directors on the 28th day of August 2013, in accordance with the Memorandum or By-Laws and Articles of Incorporation of the Charity Church and the laws and by-laws governing the Charity Church and that the said resolution has been duly recorded in the Minutes Book and is in full force and effect.


Chief Executive of the Board of Directors Signature


Executive Chairman Board of Directors Signature


Secretary Board of Directors Signature



No. 117569

STATE OF TEXAS

MARRIAGE LICENSE

COUNTY OF DENTON

To all licensed or ordained Christian Ministers and Priests, Jewish Rabbis, or persons who are officers of religious organizations; and who are duly authorized by the organization to conduct marriage ceremonies; Justices of the supreme court, Judges of the court of criminal appeals, Justices of the courts of civil appeals, Judges of the district, county, and probate courts, Judges of the county courts at law, courts of domestic relations and juvenile courts, Justices of the peace, and Judges of the Federal courts of this State:

GREETING:

YOU ARE HEREBY AUTHORIZED TO CELEBRATE THE

rites of MATRIMONY

Between
and

DAMIEN LAMARC WALLACE
CHAZMA DIONNE JONES

and Make due return to the Clerk of the County Court of DENTON COUNTY, within THIRTY days thereafter, certifying your action under this license.

WITNESS my official signature and seal of office at office located in Denton, Texas, on this 10th day of October 2011 A.D. At 01:59PM.

Cynthia Mitchell, County Clerk, Denton County, Texas

By *Cynthia Mitchell*, Deputy

I, the undersigned hereby certify that on the 13th day of October, 2011,
I united in Marriage the parties named above.
WITNESS my hand

Bishop FR MAVS *[Signature]*
Printed Name of Official Official Signature

8500 DORAL CT EAST Flower Mound, TX 75022
Official Title and Address

County of Marriage Denton

Returned and filed for record October 19th AD 2011
and recorded the 19th of October AD 2011
Michele Boutwell, Deputy
Cynthia Mitchell, COUNTY CLERK

NAME OF MALE: DAMIEN LAMARC WALLACE
DATE OF BIRTH: NOVEMBER 16, 1971

AND

NAME OF FEMALE: CHAZMA DIONNE JONES
DATE OF BIRTH: DECEMBER 19, 1980

This license expires at the end of the 30th day immediately following the date the license was issued if the marriage ceremony has not been conducted within that period [Texas Family Code, Sec. 2.201] The marriage ceremony may not take place during the 72-hour period immediately following the issuance of the marriage license unless: (1) an applicant is a member of the armed forces of the United States and is on active duty; (2) an applicant performs work for the US Dept. of Defense as a department employee or under contract with the department; (3) an applicant obtains an order of a district court or county court at law with family law jurisdiction. [Texas Family Code, Sec. 2.204]; or (4) couple completes a premarital education course described by [Texas Family Code, Sec. 2.013], and who provides to the county clerk a premarital education course completion certificate indicating completion of the premarital education course not more than one year before the date the marriage license application is filed with the clerk.

By my signature I affirm that printed materials about acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) prepared by the Texas Department of Health were distributed to each applicant. [Texas Family Code, Sec. 2.009]

DISTRIBUTED AND ISSUED ON: OCTOBER 10, 2011 AT 01:59PM

CYNTHIA MITCHELL, COUNTY CLERK,
DENTON COUNTY

By *Cynthia Mitchell*, Deputy

MR AND MRS DAMIEN LAMARC WALLACE
P.O. BOX 535426
GRAND PRAIRIE, TX 75053-

DON R STEWART
ATTORNEY AT LAW
200 EAST MAIN STREET
ARLINGTON TX 76010-1126



RETURN TO SENDER
UNABLE TO FORWARD
RETURN TO SENDER

761793023-1N 03/01/14

*Return to
Don's office*

Chazma Jones
12532 Avondale Ridge Drive
Fort Worth, Texas 76179

Sagnew



1000

76179



U.S. POSTAGE
PAID
ARLINGTON, TX
76004
FEB 24, 14
AMOUNT
\$2.87
00092462-08

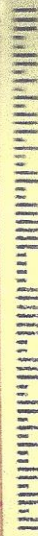
DON R STEWART
ATTORNEY AT LAW
200 EAST MAIN STREET
ARLINGTON TX 76010-1126

NIXIE

761793023-1N

03/01/14

RETURN TO SENDER
UNABLE TO FORWARD
RETURN TO SENDER



Return to Sender

Signed
Damien Lamarc Wallace
12532 Avondale Ridge Drive
Fort Worth, Texas 76179

*Wrong address
not here*



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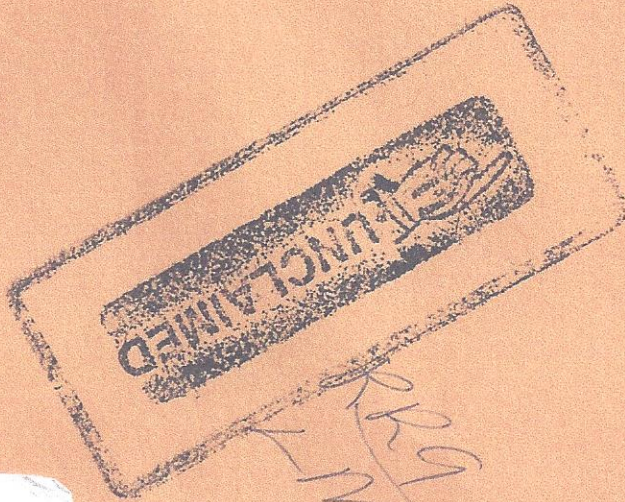
76179



U.S. POSTAGE
FEB 24 14
ARLINGTON, TX
76004
HMCUNT

\$2.87
00692462-08

DON R STEWART
ATTORNEY AT LAW
200 EAST MAIN STREET
ARLINGTON TX 76010-1126



MAR 12



[Large handwritten mark, possibly a signature or initials]



DON R STEWART
ATTORNEY AT LAW
200 EAST MAIN STREET
ARLINGTON TX 76010-1126



*80444
LN 925/14*



MAR 12



7012 3050 0002 1324 0859

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at www.usps.com		
OFFICIAL USE		
FORT WORTH TX 76179		
Postage	\$ 3.08	0901
Certified Fee	\$3.30	08
Return Receipt Fee (Endorsement Required)	\$2.70	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 9.08	02/24/2014
Sent To <i>Chazma Jones</i>		
Street, Apt. No., or PO Box No. <i>12532 Auduville Ridge</i>		
City, State, ZIP+4 <i>Ft. Worth, TX 76179</i>		
PS Form 3800, August 2006 See Reverse for Instructions		

7012 2920 0000 4535 2754

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at www.usps.com		
OFFICIAL USE		
FORT WORTH TX 76179		
Postage	\$ 3.08	0901
Certified Fee	\$3.30	08
Return Receipt Fee (Endorsement Required)	\$2.70	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 9.08	02/24/2014
Sent To <i>DAMEN LAMAC WALLACE</i>		
Street, Apt. No., or PO Box No. <i>12532 Auduville Ridge</i>		
City, State, ZIP+4 <i>Ft. Worth, TX 76179</i>		
PS Form 3800, August 2006 See Reverse for Instructions		

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>[Signature]</i></p>	
<p>1. Article Addressed to:</p> <p>FREDRICK R MAYS 422 S. IRVING HEIGHTS IRVING, TX 75060</p>		<p>B. Received by (Printed Name) <i>Timothy Mays</i></p> <p>C. Date of Delivery <i>1-23-14</i></p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
		<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>7012 2920 0000 4534 7651</p>	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at www.usps.com		
IRVING TX 75060		
Postage	\$ 2.72	<p>0901</p> <p>06</p> <p>Postmark Here</p> <p>01/22/2014</p>
Certified Fee	\$3.10	
Return Receipt Fee (Endorsement Required)	\$2.55	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 8.37	
Sent To <i>FREDRICK R. MAYS</i>		
Street, Apt. No., or PO Box No. <i>422 S. IRVING HEIGHTS</i>		
City, State, ZIP+4 <i>IRVING, TX 75060</i>		
PS Form 3800, August 2006 See Reverse for Instructions		